

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, FEBRUARY 21, 2002**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: None

//

The meeting was called to order at 8:20 p.m. by Chairman Peter F. Murphy, Jr.

//

COMMISSION MATTERS

Commissioner Kelso, citing notification problems, MOVED THAT THE PUBLIC HEARING ON SE-01-L-042, SPRINGFIELD PLAZA, LP, BE DEFERRED TO A DATE CERTAIN OF APRIL 25, 2002.

Commissioners Byers and Koch seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote.

//

Commissioner Byers MOVED THAT THE PUBLIC HEARING ON 2232-V01-27, SPRINT PCS, BE DEFERRED TO A DATE TO BE DETERMINED.

Commissioners Hall and Harsel seconded the motion which carried by a vote of 9-0-1 with Commissioner Kelso abstaining; Commissioners Alcorn and Wilson not present for the vote.

//

Commissioner Alcorn announced that the Development Criteria Review Committee would meet again on Wednesday, February 27, 2002 at 6:30 p.m. to continue discussions on cash proffers.

//

FS-M01-67 - NEXTEL COMMUNICATIONS, INC. - 6245 Leesburg Pike

Commissioner Hall RECOMMENDED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING AND DETERMINE THAT THE APPLICATION BY NEXTEL FOR A BUILDING LOCATED AT 6245 LEESBURG PIKE IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote.

//

RZ-2000-LE-023 - TAVARES CONCRETE COMPANY (Decision Only)

(The public hearing on this application was held on January 24, 2002. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2000-LE-023, TAVARES CONCRETE COMPANY, INCORPORATED, SUBJECT TO THE EXECUTION OF PROFFERS DATED FEBRUARY 21, 2002.

Commissioner Hall seconded the motion which carried by a vote of 8-0-2 with Commissioners Byers and Harsel abstaining; Commissioners Alcorn and Wilson not present for the vote.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS MODIFICATION OF THE TRANSITIONAL SCREENING ALONG THE NORTH PROPERTY LINE AND THE PORTION OF THE SOUTH PROPERTY LINE WHICH ABUTS RESIDENTIAL AREAS TO PERMIT A 25-FOOT WIDE STRIP OF LANDSCAPING, MODIFICATION OF THE BARRIER REQUIREMENTS ALONG THE PORTIONS OF THE NORTHERN AND SOUTHERN PROPERTY LINES IN LIEU OF THE EXISTING BOARD-ON-BOARD FENCE, AS SHOWN IN THE GDP, AND WAIVER OF THE TRAIL REQUIREMENT ALONG CINDER BED ROAD.

Commissioner Hall seconded the motion which carried by a vote of 9-0-2 with Commissioners Byers and Harsel abstaining; Commissioner Alcorn not present for the vote.

//

ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. PUBLIC FACILITIES MANUAL (Miscellaneous)
2. RZ-2001-MV-030- LANDMARK PROPERTIES DEVELOPMENT, LLC
FDP 2001-MV-030 - LANDMARK PROPERTIES DEVELOPMENT, LLC
3. CODE AMENDMENTS - CHAPTER 107 (PROBLEM SOILS) AND
CHAPTER 101 (SUBDIVISION ORDINANCE)
4. PCA-82-C-060- SUMMIT PROPERTIES PARTNERSHIP, LP
DPA 82-C-060 - SUMMIT PROPERTIES PARTNERSHIP, LP
5. S99-CW-2TR - OUT-OF-TURN PLAN AMENDMENT (COUNTY-WIDE
TRAILS) WORK SESSION

This order was accepted without objection.

//

Chairman Murphy announced that he would temporarily be out of the Board Auditorium, therefore he relinquished the Chair to Vice Chairman Byers.

//

PUBLIC FACILITIES MANUAL (Miscellaneous) - To consider proposed amendments to the Public Facilities Manual to include miscellaneous items related to providing design standards for fast-pitch softball; updating miscellaneous ballfield standards to meet current industry standards; revising the minimum centerline radius for street categories I, II, IV & V; & permitting the use of a tunnel spacer in lieu of grout in the void between the carrier and casing pipe for sanitary sewer installations. Additionally, the proposed amendments will allow the Director of DPWES to permit the use of underground detention facilities in residential areas. PUBLIC HEARING.

Ms. Jan Leavitt, Department of Public Works and Environmental Services, presented the staff report, a copy of which is in the date file. She noted that the Engineering Standards Review Committee and staff supported the adoption of the proposed Amendments.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no comments or questions from the Commission and no closing staff remarks, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Wilson for action on this item. (A verbatim transcript is in the date file.)

//

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND FOR APPROVAL THE PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL, AS SET FORTH IN THAT STAFF REPORT DATED DECEMBER 3, 2001 AND AS RECOMMENDED BY STAFF AND THE ENGINEERING STANDARDS REVIEW

COMMITTEE, WITH THE EXCEPTION OF THE PROPOSED AMENDMENT RELATING TO UNDERGROUND DETENTION WHICH HAS BEEN REMOVED FROM THE PACKAGE. THIS HAS TO DO WITH BALLFIELDS, CENTERLINE STREET RADIUS AND THE SANITARY SEWER STEEL CASING PIPE TUNNEL DETAIL.

Commissioner Hall seconded the motion which carried by a vote of 9-0-1 with Commissioner de la Fe abstaining; Commissioners Alcorn and Murphy not present for the vote.

//

Since the next application was in the Mount Vernon District, Vice Chairman Byers relinquished the Chair to Secretary Harsel.

//

RZ-2001-MV-030/FDP 2001-MV-030 - LANDMARK PROPERTIES DEVELOPMENT, LLC - Appls. to rezone from R-2, CRD & HC to PDH-5, CRD & HC to permit residential development at a density of 4.57 du/ac & approval of the conceptual & final development plans on property located on the E. side of Richmond Hwy., approx. 400 ft. N. of the intersection of Richmond Hwy. & Cooper Rd. on approx. 5.47 ac. Comp. Plan Rec: 4-5 du/ac. Tax Map 110-1((1))2. MT. VERNON DISTRICT. JOINT PUBLIC HEARING.

Mr. John Thillmann, agent for the applicant, reaffirmed the affidavit dated January 25, 2002. There were no disclosures by Commission members.

Mr. Charles Burnham, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Mr. Thillman reviewed the history of the application property and explained that an Out-of-Turn Plan Amendment had been approved to allow residential development of the commercially zoned property. He noted that the Planning and Zoning Committee of the Mount Vernon Council had strongly endorsed the application. He said the original application had been revised to delete a single point of access onto Richmond Highway. He pointed out that proffers provided for monetary contributions to both the U. S. Army Museum and Fairfax County Public Schools, noting that 30 percent of the schools' contribution went to the state. Mr. Thillman said one outstanding issue remained concerning encroachment into the resource protection area (RPA). He explained that staff supported a development condition which would require approval of a proffered condition amendment application if it was necessary to locate any part of the stormwater management facility in the EQC/RPA area. He said he was not in favor of such a requirement because it would unduly burden the applicant for even a minor change in the facility.

In response to a question from Commissioner Byers, Mr. Thillman said the applicant had proffered to strictly adhere to RPA requirements and that, in the event the Department of Public Works and Environmental Services thought a change to the facility was necessary, a proffer interpretation could be requested. Responding to another question from Commissioner Byers, Mr. Burnham said staff did not believe Proffer Number 10b gave the same protection as Development Condition Number 1. He added that staff had a long-standing policy that ponds were not permitted in the RPA and pointed out that the proposed proffer did not specifically state that the pond would not be located in the RPA. He said for those reasons, staff felt the development condition was necessary. Answering another question from Commissioner Byers, Mr. Burnham said that this issue could not be addressed by Proffer Number 2, "Minor Deviations", because a pond in the RPA was not necessarily a minor deviation. Ms. Leslie Johnson, ZED, DPZ, added that such a development condition was not unusual.

Mr. Thillman responded to a question from Commissioner Smyth about the width between the units.

Commissioner Byers commented that to require proffered condition amendment approval if encroachment in the RPA occurred would be time consuming and cause delays. He suggested that the site plan be returned to the Planning Commission for approval. Mr. Thillman requested that the site plan come back to the Planning Commission only if the pond had to encroach into the RPA. Commissioner Byers said he was going to require that the site plan be reviewed by the Planning Commission in any event.

Responding to a question from Secretary Harsel, Mr. Thillman said that while a deeper pond could avoid encroachment into the RPA, he was certain that no such encroachment would occur.

In response to a question from Commissioner Alcorn, Mr. Thillman said that the County was only allowed to keep 70 percent of contributions made to schools. Commissioner Alcorn questioned the accuracy of this statement and suggested that it be investigated.

Responding to a question from Commissioner Byers, Mr. Thillman said he would ensure that no "popsicle stick" signs were posted.

Secretary Harsel called for speakers from the audience, but received no response. She noted that no rebuttal was necessary. There were no further comments or questions from the Commission and staff had no closing remarks, therefore, she closed the public hearing and recognized Commissioner Byers for action on this item. (A verbatim transcript is in the date file.)

//

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2001-MV-030, CONSISTENT WITH THE PROFFERS NOW DATED FEBRUARY 18, 2002, AND SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 19, 2002, WITH THE FOLLOWING

CHANGE: THE TEXT FOR DEVELOPMENT CONDITION NUMBER 1 IS REMOVED AND IS REPLACED BY: "THE APPLICANT SHALL SUBMIT THE SUBDIVISION PLAN TO THE PLANNING COMMISSION FOR REVIEW AND APPROVAL PRIOR TO APPROVAL BY DPWES."

Commissioners Hall and Kelso seconded the motion which carried by a vote of 10-0-1 with Commissioner Smyth abstaining; Commissioner Murphy not present for the vote.

Commissioner Byers MOVED THE PLANNING COMMISSION APPROVE FDP-2001-MV-030, SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING AND THE CONCEPTUAL DEVELOPMENT PLAN.

Commissioners Hall and Kelso seconded the motion which carried by a vote of 10-0-1 with Commissioner Smyth abstaining; Commissioner Murphy not present for the vote.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE MAXIMUM LENGTH OF PRIVATE STREETS IN EXCESS OF 600 FEET AND A WAIVER OF THE LIMITATION ON FENCE HEIGHT TO PERMIT SECTIONS OF THE PROPOSED WALL TO BE EIGHT FEET IN HEIGHT.

Commissioners Hall and Kelso seconded the motion which carried by a vote of 10-0-1 with Commissioner Smyth abstaining; Commissioner Murphy not present for the vote.

//

Vice Chairman Byers resumed the Chair.

//

CODE AMENDMENTS - CHAPTER 107 (PROBLEM SOILS) AND
CHAPTER 101 (SUBDIVISION ORDINANCE) - To consider proposed amendments addressing issues related to problem soils, revising the soils report requirements, & updating the name of the Dept. PUBLIC HEARING.

Commissioner Moon noted that he would be deferring decision on this item to February 28, 2002, to allow time for the Northern Virginia Soil and Water Conservation District to discuss the proposed amendments and to provide their input to the Planning Commission.

Ms. Jan Leavitt, Department of Public Works and Environmental Services, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed Amendments.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no comments or questions from the Commission and no closing staff remarks, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Moon for action on this item. (A verbatim excerpt is in the date file.)

//

Commissioner Moon MOVED TO DEFER THE PROPOSED COUNTY CODE AMENDMENTS DEALING WITH PROBLEM SOILS FOR DECISION ONLY TO A DATE CERTAIN OF FEBRUARY 28, 2002, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioners Hall and Smyth seconded the motion which carried unanimously with Commissioners DuBois, Harsel and Murphy not present for the vote.

//

Chairman Murphy resumed the Chair.

//

PCA-82-C-060/DPA 82-C-060 - SUMMIT PROPERTIES PARTNERSHIP, LP - Appls. to amend the proffers & development plan for RZ-82-C-060 previously approved for residential development at a density of 19.9 du/ac to permit residential redevelopment at a density of 30.28 du/ac on property located at the N.E. quadrant of the intersection of Reston Pkwy. & Temporary Rd. on approx. 22.99 ac. zoned PRC. Comp. Plan Rec: Planned Residential Community, high-density residential Tax Map 17-2((1))23, 24 & 24A. HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Mark Looney, Esquire, with Cooley Godward, LLP, reaffirmed the affidavit dated January 11, 2002. There were no disclosures by Commission members.

Ms. Cathy Belgin, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Mr. Looney stated that the subject property, developed in 1985 with garden-style apartments, had been purchased by the applicant in 1994. He explained that the applicant had originally proposed to redevelop the southern portion of the property with five high-rise residential buildings ranging in height from 11 to 15 floors, but after concerns had been raised about the density level by surrounding community members, plans had been scaled back substantially. He said the applicant was now proposing a mid-rise residential building of 360 units with structured

parking. He described proposed amenities, transportation improvements, tree save and buffering, and said a contribution of \$200,000 would be made to the Affordable Housing Trust Fund. He noted that the portion of the development adjacent to the Bowman Green office community had been scaled back substantially and that community concerns had been adequately addressed. He said the proposed development had the support of the Reston Planning and Zoning Committee and the applicant was working closely with the Reston Association Design Review Board to refine the elevations. He requested favorable consideration.

Mr. Looney responded to questions from Commissioners Smyth and Byers about the adequacy of the proposed number of parking spaces.

Responding to a question from Commissioner Alcorn, Mr. Looney said that the applicant had met informally with the members of the Design Review Board of the Town Center Architectural Review Committee.

Mr. Looney responded to questions from Commissioner Hall about public transportation and the location of bus stops in the area.

Commissioner Alcorn commented that Reston Parkway was not pedestrian-friendly and that this issue would have to be addressed in the coming years.

In response to a question from Commissioner Smyth, Mr. Looney said that a warrant study for a traffic signal at Old Reston Avenue and Temporary Road, based on the completed project, had been proffered.

Chairman Murphy called the first listed speaker and recited rules for testimony before the Commission

Mr. David Ralston, 1703 Red Oak Circle, Reston, President, Bowman Green Property Owners, expressed concerns about the proximity of the proposed development to the Bowman Green property, parking and traffic. He submitted for the record a memorandum from Dennis Beese, an architect, which addressed compatibility issues. (A copy of this memorandum is in the date file.)

Mr. Ralston responded to questions from Commissioners Byers and de la Fe about the distances between the application property and the Bowman Green property.

Mr. Cal Larson, 1606 Greenbrier Court, Reston, said he thought the existing apartments should be preserved. He also expressed concern about the loss of green space and traffic. (A copy of his remarks is in the date file.)

Mr. John Stroik, 1638 Wainwright Drive, Reston, representing the Coleson Cluster Homeowners Association, said he agreed with the previous two speakers.

Mr. Bruce Wright, a resident of Reston, agreed with Commissioner Alcorn that Reston Parkway was not pedestrian friendly and said a woman was recently killed while trying to cross it. He said the tunnel under the Parkway, as well as existing trails in the area, had not been maintained.

Responding to a question from Commissioner Alcorn, Mr. Wright said he did not support the application.

There were no further speakers, therefore, Chairman Murphy called upon Mr. Looney for a rebuttal statement.

Mr. Looney reiterated the fact that the density, size and scale of the proposed development had been significantly reduced. He said, at the request of Bowman Green property owners, white pine trees located on the common property line would be replaced to ensure adequate screening between the two developments. He explained that existing apartments were old and expensive to maintain. He noted that existing on-site trails would remain in place.

In response to a question from Commissioner Smyth, Mr. Looney said that the number of proposed units had been scaled back by two-thirds and the height reduced by more than half. He added that it was not the intent of the applicant to redevelop the entire site.

Ms. Belgin and Ms. Leslie Johnson, ZED, DPZ, responded to questions from Commissioner Hall about height restriction proffers governing the site.

In response to a question from Commissioner Alcorn, Mr. Looney explained the applicant's rationale for constructing more than one building.

There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for action on this application. (A verbatim excerpt is in the date file.)

//

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-82-C-060, SUBJECT TO THE EXECUTION OF PROFFERS DATED FEBRUARY 18, 2002.

Commissioners Byers and DuBois seconded the motion which carried by a vote of 7-1-3 with Commissioner Alcorn opposed; Commissioners Kelso, Moon and Smyth abstaining; Commissioner Wilson not present for the vote.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF DPA-82-C-060.

Commissioner DuBois seconded the motion which carried by a vote of 7-1-3 with Commissioner Alcorn opposed; Commissioners Kelso, Moon and Smyth abstaining; Commissioner Wilson not present for the vote.

Commissioner de la Fe FURTHER MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE INTERIOR PARKING LOT LANDSCAPING REQUIREMENT FOR THE TOP DECK OF THE PARKING GARAGE IN FAVOR OF THE PLAN THAT IS ILLUSTRATED ON SHEET 9 OF THE DEVELOPMENT PLAN; THE MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE NORTHERN PROPERTY LINE IN FAVOR OF THE EXISTING VEGETATION; AND A WAIVER OF THE BARRIER REQUIREMENT ALONG THE NORTHERN PROPERTY LINE.

Commissioners Byers and DuBois seconded the motion which carried by a vote of 7-1-3 with Commissioner Alcorn opposed; Commissioners Kelso, Moon and Smyth abstaining; Commissioner Wilson not present for the vote.

//

A work session was held to discuss the recommendations made at the public hearing on January 16, 2002 concerning S99-CW-2TR, Out-of-Turn Plan Amendment. Mr. David Marshall, Planning Division, Department of Planning and Zoning, and Ms. Ann Bennett, Chairman of the Non-Motorized Transportation Committee, responded to questions from the Commission about the proposed trails amendment.

//

The meeting was adjourned at 10:50 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Linda B. Rodeffer

Approved on: September 10, 2003

Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission